

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, ex rel.,)
and FLFMC, LLC,)
Plaintiffs,)
)
vs) Civil Action No. 10-231
)
EBSCO INDUSTRIES, INC. and)
PLASTICS RESEARCH AND)
DEVELOPMENT CORP.,)
Defendants.)

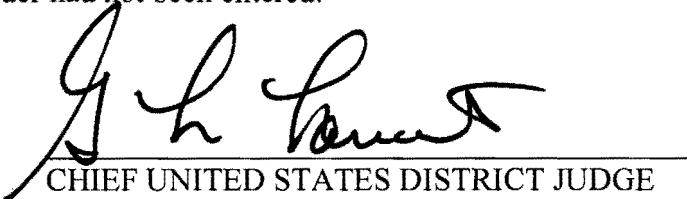
O R D E R

AND NOW this 25th day of August, 2010, after the defendants filed a motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(2) or 12(b)(4) or, in the alternative, to transfer venue (Doc. No. 9), and after the defendants also moved to dismiss this case pursuant to Fed.R.Civ.P. 12(b)(1) and 12(h)(3) or, in the alternative, to stay proceedings pending a decision by the Court of Appeals for the Federal Circuit in *Stauffer v. Brooks Brothers*, Nos. 2009-1428, 2009-1439, 2009-1452 (Fed. Cir.), (Doc. No. 17), and having considered the parties' Joint Stipulation to stay these proceedings pending the Court of Appeals' decision in *Stauffer*,

IT IS HEREBY ORDERED that the defendants' motion to dismiss or to transfer venue (Doc. No. 9) is dismissed without prejudice.

IT IS FURTHER ORDERED that the defendants' motion to dismiss (Doc. No. 17) is dismissed without prejudice, that their alternate motion to stay proceedings (Doc. No. 17) is granted, that the Clerk mark the above-captioned case ADMINISTRATIVELY CLOSED, and that the parties shall notify the Court within seven (7) days of the outcome of the *Stauffer* appeal.

Nothing contained in this Order shall be considered a dismissal or disposition of this action, and should further proceedings in it become necessary or desirable, either party may initiate it in the same manner as if the Order had not been entered.



G. H. Bent
CHIEF UNITED STATES DISTRICT JUDGE

cc: All Counsel